

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DARRELL W. KIRKWOOD,

Petitioner,

vs.

JACK PALMER, *et al.*,

Respondents.

3:07-cv-00303-LRH-RAM

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the Court following initial review under Rule 4 of the Rules Governing Section 2254 Cases (the “Habeas Rules”) of the amended petition (#29) filed by the Federal Public Defender. Following upon said review, a response will be directed.

IT THEREFORE IS ORDERED that respondents shall have forty-five (45) days from entry of this order within which to answer, or otherwise respond to, the amended petition, including by motion to dismiss.

IT FURTHER IS ORDERED that any procedural defenses raised by respondents in this case – including any defenses as to timeliness and relation back of claims, lack of exhaustion, procedural default, and/or lack of specificity – shall be raised together in a single motion to dismiss. Respondents shall not file a response in this case that consolidates their procedural defenses, if any, with their response on the merits.

IT FURTHER IS ORDERED that, in any answer filed on the merits, respondents shall specifically cite to and address the applicable state court written decision and state court record materials, if any, regarding each claim within the response as to that claim.

1 IT FURTHER IS ORDERED that any additional exhibits filed by respondents shall be filed with
2 a separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments that
3 are filed further shall be identified by the number or numbers (or letter or letters) of the exhibits in the
4 attachment. Cf. ## 21-28. The purpose of this provision is so that the Court, the parties, and any
5 reviewing court thereafter will be able to quickly determine from the face of the electronic docket sheet
6 which exhibits are filed in which attachments.

7 IT FURTHER IS ORDERED that petitioner shall have thirty (30) days from service of the
8 answer, motion to dismiss, or other response to file a reply or opposition.

9 DATED this 21st day of July, 2009.

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LARRY R. HICKS
14 UNITED STATES DISTRICT JUDGE
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